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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,292	06/25/2003	Francois Lagace	ST8618US	2909
22203	7590	11/07/2005	EXAMINER	
KUSNER & JAFFE HIGHLAND PLACE SUITE 310 6151 WILSON MILLS ROAD HIGHLAND HEIGHTS, OH 44143			PERRIN, JOSEPH L	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/606,292

Applicant(s)

LAGACE, FRANCOIS

Examiner

Joseph L. Perrin, PhD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20030820</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 9 recites the limitation "said third gate element" in line 4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,288,467 to BIERMAIER. Re claims 1-3, 6-12, BIERMAIER discloses an apparatus for cleaning and disinfecting comprising a chamber (15), plural flap valves (26/27/28) and gate elements 10/12/6), plural blowers (9/14) with the valves therein between, chambers (fluid lines 4/2/3 read on intake/exhaust chambers) between the valves and blowers (see entire document, for instance Figure 1 and relative associated

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text). Re claims 4-5, BIERMAIER further discloses using filters and heaters (see col. 5, lines 22-26) as well as inline filter (8). Recitation of BIERMAIER reads on applicant's claimed invention.

6. Claims 1-4 & 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,457,897 to BECKER. BECKER discloses an apparatus capable of washing, the apparatus having chamber (7), a blower (18), controllable flap valves (48/14/42/29), first chamber (24) having a heater (46) (see entire document, for instance, Figure 1 and relative associated text). It is noted that the term "washer" in the preamble is considered intended use and afforded little patentable weight since the body of the claim does not claim any washer parts. Therefore applicant's claimed invention reads on any apparatus having a chamber which is capable of functioning as a washing means. Accordingly, recitation of BECKER reads on applicant's claimed invention.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over BIERMAIER in view of U.S. Patent Publication No. 2003/0036272 to SHAMOUILIAN *et al.* ("SHAMOUILIAN"). Recitation of BIERMAIER is repeated here from above.

BIERMAIER discloses the claimed invention with the exception of a recirculation pump having a frequency variator to control pressure in the chamber. SHAMOUILIAN teaches that it is known to provide a cleaning apparatus with a recirculation pump having frequency varying means to recirculate treatment fluid and regulate chamber pressure (see entire document, for instance, paragraph [0106]). Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to provide the cleaning system of BIERMAIER with a recirculating system having frequency varying means as disclosed in SHAMOUILIAN for the purpose of recirculating treatment fluid and the well known advantages associated therewith as well as the regulation of pressure in the treatment chamber. Moreover, the position is taken that one of ordinary skill in the art at the time the invention was made would have a reasonable expectation of success in the addition of such cleaning recirculation system (SHAMOUILIAN) to the cleaning system of BIERMAIER to achieve applicant's claimed invention, the references being analogous in the cleaning art.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 5,113,882 to GILETA, which discloses a washing

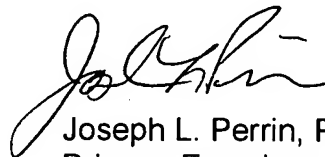
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and drying apparatus having flap valves and a blower; U.S. Patent No. 4,285,219 to GRUNEWALD, which discloses a laundry treatment apparatus with flap valves and a blower.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, PhD whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joseph L. Perrin, Ph.D.  
Primary Examiner  
Art Unit 1746

jlp